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United Nations

Report of the Committee on Relations with the Host Country

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Official Records · Forty-eighth Session
Supplement No. 26 (A/48/26)

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I. INTRODUCTION

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 47/35 of 25 November 1992, requested the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI), and decided to include in the provisional agenda of its forty-eighth session the item entitled "Report of the Committee on Relations with the Host Country".

2. The present report is divided into four sections. The recommendations and conclusions of the Committee are contained in section IV.

II. MEMBERSHIP, TERMS OF REFERENCE AND ORGANIZATION OF THE WORK OF THE COMMITTEE

3. In 1993, there were no changes in the membership of the Committee, which was as follows:

Bulgaria	Iraq
Canada	Mali
China	Russian Federation
Costa Rica	Senegal
Côte d'Ivoire	Spain
Cyprus	United Kingdom of Great Britain and Northern Ireland
France	United States of America
Honduras	

4. From October 1992 until 15 October 1993, Mr. Andreas Jacovides (Cyprus) served as Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Mrs. Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In 1992, the Committee retained a detailed list of topics, previously adopted in May 1982, as follows:

1. Question of the security of missions and the safety of their personnel.

2. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes;

   (d) Possibility of establishing a commissary at United Nations Headquarters to assist diplomatic personnel and staff.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study on privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the Committee's report to the General Assembly.

6. During the period under review, the Committee held four meetings: the 159th meeting, on 10 February 1993; the 160th meeting, on 26 April 1993; the 161st meeting, on 15 October 1993; and the 162nd meeting, on 9 November 1993.

7. The Bureau of the Committee consists of the Chairman, the Rapporteur, the three Vice-Chairmen and a representative of the host country, who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

8. During the period under review, the Bureau held six meetings: on 21 January, 21 April, 23 June, 31 August, 22 September and on 4 November 1993.

9. On 15 October 1993, at its 161st meeting, the Committee elected by consensus the Permanent Representative of Cyprus, Mr. Alecos Shambos, as its new Chairman.

III. TOPICS DEALT WITH BY THE COMMITTEE

A. Question of the security of missions and the safety of their personnel

10. At the 159th meeting, on 10 February 1993, the Committee resumed its deliberations on matters relating to the security of missions and the safety of their personnel. The representative of China recalled that, on 13 November 1992, an adviser to the Chinese delegation to the forty-seventh session of the General Assembly had been robbed by an unidentified person. The incident had been described in detail in the exchange of letters between the Chinese Mission and the Mission of the host country (see A/AC.154/272 of 13 January 1993 and A/AC.154/273 of 29 January 1993, respectively). China believed that the personal safety of diplomats was a basic principle of international law and a prerequisite for the normal conduct of relations among States. The protection of diplomatic missions and their personnel was the unshirkable responsibility of the host country. China strongly condemned this criminal act and called upon the host country to take all the necessary measures to prevent similar incidents from occurring. China appreciated the fact that its diplomat had been taken to a hospital and had received appropriate medical treatment, which had prevented his injury from becoming life-threatening.

11. The representative of the United States of America agreed that this was a deeply regrettable incident. Members of the two missions concerned met to discuss the medical bills occasioned by the incident. Both missions were working to secure payment of those bills by the New York State Crime Victims Board. This assault and robbery had not, however, been a political statement nor was it a crime against the diplomatic community. It was a crime of opportunity, a brutal and vicious attack that unfortunately could have occurred in any major city. For many years, uniformed police had been assigned to the Chinese Mission whenever needed. In addition, Chinese-speaking police officers from the Community Affairs Division would be pleased to visit the Mission to advise diplomats on safety issues. The United States was considering offering those services to the broader United Nations diplomatic community as well.

12. The representative of China said that the question of the medical bills should be settled to the mutual satisfaction of the two countries and once again expressed gratitude for the help provided by the United States Mission.

13. The representative of Costa Rica expressed her delegation's regrets at the act of aggression against the Chinese diplomat. She paid tribute to the decisive action undertaken by the New York City Police authorities, who had taken him to the hospital where he had received the necessary medical treatment. She also welcomed the contacts that had been maintained in this context between the missions concerned, trying, in a spirit of cooperation, to resolve the problems resulting from the incident.

14. The representative of the United States, referring to the attack on the Mission of the Islamic Republic of Iran that had occurred on 5 April 1992, informed the Committee of actions taken by the competent host-country authorities. Following the regrettable and illegal take-over of the Mission, the appropriate authorities took the following actions: the freeing of a member of the Mission who had been held hostage; the eviction of the perpetrators and their arrest by Federal and local authorities; the sweeping of the Mission for explosives, which might have been planted by the intruders; and the initiation of criminal proceedings against the individuals apprehended. The Mission of the

Islamic Republic of Iran, in its note verbale dated 11 June 1992 addressed to the United States Mission, expressed its appreciation for the rapid action taken by the host country. The individuals apprehended following this incident had pleaded guilty and would be sentenced for their crimes in due course.

15. At the 160th meeting, on 26 April 1993, the representative of the United States informed the Committee that the United States Mission and the New York City Commission for the United Nations, Consular Corps and International Business would be co-hosting a seminar at United Nations Headquarters entitled "Survival in New York". A panel of experts would address such issues as security and safety of diplomatic missions in New York, personal safety, as well as topics dealing with health care and medical insurance for diplomats and members of their families.

16. The observers of the Philippines and Cuba suggested that the issue of bomb threats to diplomatic missions, as well as the safety of cars and mission property, should be included in the agenda for the forthcoming seminar.

17. The representative of the United States stated that the issue of car-jacking was a growing problem. In that connection he referred to one specific case of car-jacking involving an official of the Mission of Germany. The host country authorities wished publicly to acknowledge and thank that mission for granting permission for its official to testify in criminal proceedings in the United States Court against two individuals, who were believed to have robbed him earlier in the month through car-jacking. The immunity of the official of the Mission of Germany had been waived, which permitted the United States authorities to bring the guilty parties to justice. The United States Mission had long maintained that cooperation of this nature was essential in the United States judicial system.

18. The seminar on "Survival in New York" took place at United Nations Headquarters on 13 May 1993. It addressed, among other matters, issues of the security of missions and the personal safety of diplomats. It proved to be a useful forum for the diplomatic community.

19. At the 161st meeting, on 15 October 1993, the Chairman informed the Committee that the Permanent Representative of Cuba had addressed a letter to him, dated 12 October 1993, with a view to bringing to the Committee's attention "the ongoing campaign of harassment and intimidation being waged against the Permanent Mission of Cuba, its members and families". The letter contained, in the attachment, copies of four notes verbales from the Cuban Mission addressed to the Mission of the host country. The Secretariat had not been requested to circulate the letter as a document of the Committee.

20. The observer of Cuba recalled that, like last year, the Committee's attention had been drawn to the hostile demonstrations held on a weekly basis in proximity to the premises of the Cuban Mission. A group continued to meet in a scandalous fashion and carried out numerous acts of provocation and hostilities against the Mission. Those demonstrations were used by participants to attack personally Mission personnel. Hostile behaviour was also directed at the children of Mission personnel. Some incidents had occurred outside the areas designated by the Police for demonstrations and others had occurred near the main entrance of the Mission. The level of such demonstrations was increasingly threatening. He recalled that the Cuban delegation had also raised the issue of these demonstrations in the seminar entitled "Survival in New York". Subsequently, a meeting with the representatives of the United States Mission, the Diplomatic Security Service, the Federal Bureau of Investigation and the New

York Police Department had taken place in July 1993 at the Permanent Mission of Cuba. The Cuban delegation had stressed at that meeting the aggressive nature of those demonstrations and had produced proof of the activities in the form of videotapes. The Cuban Mission renewed its disposition for cooperation within its possibilities with the competent authorities in order to solve this problem. However, the host country did not take the appropriate measures; its response was limited to increasing Police presence in the area where the demonstrations were taking place, but without any particular action being taken at those moments. In accordance with the existing obligations under the Headquarters Agreement, the authorities of the host country should take the appropriate measures aimed at curtailing this kind of activity at the premises of the Cuban Mission. He expressed the hope that the Committee would make the relevant recommendations in this respect in order to ensure a timely resolution of the problem.

21. In response, the representative of the United States said that the Government of the United States took its obligations regarding the safety and security of all diplomatic missions and personnel very seriously, but must also safeguard the constitutional rights of its citizens freely to demonstrate and express their opinions in a lawful manner. On 10 May and 12 July 1993, the Cuban Mission presented four notes verbales to the United States Mission outlining a general complaint regarding an ongoing series of demonstrations against the Cuban Mission and a specific list of incidents which allegedly demonstrated a deliberate campaign of harassment attempting to disrupt their official business. These were not new complaints by the Cuban Mission, but their reiteration prompted a reaction by the United States authorities. On 12 July 1993, representatives of the United States Mission, the Diplomatic Security Service, the Federal Bureau of Investigation and the New York City Police Department met with representatives of the Cuban Mission. After listening to the complaints and viewing a videotape of a "typical demonstration" prepared by the Cuban Mission, it was evident that the Cuban delegation had no new allegations to report. One could admit that there were demonstrations and that those demonstrations were quite vocal. The videotape, however, showed an orderly demonstration, completely lacking in any act or threat of confrontational harassment of any Cuban employee. The specific list of alleged vandalism to various Cuban Mission automobiles contained in one of the notes verbales showed no evidence of any correlation or campaign of harassment. There was no evidence that these were anything more than random acts of vandalism or criminal mischief. Similarly, the confrontations between Cuban diplomats and demonstrators also seemed to occur only on a one-to-one basis, never in sight or sound of police or any impartial witness. The Cuban Mission had steadfastly refused to sign criminal complaints; it had not agreed to testify in a United States court of law against its alleged attackers. In the absence of clear-cut evidence or verifiable testimony by a victim or some third party, there was little that the Government of the United States could do to bring any individual to account for his actions. When crimes were committed in the presence of Police, arrests were made. Thus, on 4 October 1993, three demonstrators were arrested for disorderly conduct during an anti-Castro demonstration. The United States representative pointed out that the Cuban Mission received around-the-clock protection from the New York City Police, who had a uniformed officer in front of the Mission 24 hours a day. Any demonstration in the vicinity of the Mission evoked a larger police presence. The recent visit of the Cuban Foreign Minister had received Federal as well as City protection. Additional cooperation from the Cuban Mission was necessary, such as timely reporting of any incident and willingness to file criminal complaints for the prosecution of those who had broken United States law. Without this cooperation, the Cuban Mission had effectively retarded the United States authorities from taking the

appropriate action in incidents that had possibly crossed over the line and clearly constituted criminal behaviour. The United States representative assured the Committee that the United States Mission would continue to maintain its vigilance and provide the necessary security for the Cuban Mission and its personnel.

22. The observer of Cuba said it was not true that no new elements had been presented by the Cuban Mission regarding the anti-Cuban demonstrations. All the necessary proof had been provided. What was not new was lack of an adequate response from the host country. Regarding the so-called "orderly demonstration completely lacking in any act or threat of confrontational harassment", he invited the members of the Committee to come and observe what was going on in front of the Mission during such demonstrations. There were individuals who attacked Cuban officials as well as their children. His Mission had yet to receive an official response to the complaints that had been outlined in the aforementioned notes verbales. In accordance with the Vienna Convention on Diplomatic Relations and the Headquarters Agreement, it was not necessary for any diplomat to go to the host country courts to provide testimony. Therefore, the Cuban Mission diplomats were not obliged to go to the host country courts either. The authorities of the host country were to respect their obligations in that regard. In particular, they had to resolve their misinterpretation concerning the need for diplomats to resort to the national courts.

23. The representative of the Russian Federation drew the Committee's attention to his Mission's concerns regarding the security of the Russian Mission housing complex in Riverdale. The children in the housing complex were being subjected to harassment by other children in the neighbourhood that had turned into fights and confrontation. The matter was being discussed officially with the United States and there had been some progress. He hoped those children could be raised in a spirit of peace. In addition, there was a Police post near the complex that was not functioning. He requested that a Police guard be posted during the night, at least, to prevent such undesirable incidents as those described above. He hoped the matter would be settled with the United States in the near future.

24. The representative of the United States said that his Government would contact the appropriate authorities in respect of the statement of the representative of the Russian Federation.

B. Consideration of, and recommendations on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

1. Host country travel regulations

25. At the 159th meeting, on 10 February 1993, the Chairman informed the Committee of recent positive measures taken by the host country removing all travel restrictions previously imposed on staff members of the United Nations Secretariat of Afghan nationality and their dependants. This measure had been announced by the United States Mission in its note verbale dated 11 January 1993 addressed to the United Nations. He welcomed this decision by the Government of the host country. However, since travel restrictions continued to be in force with respect to certain missions accredited to the United Nations, as well as to United Nations Secretariat staff of certain other nationalities, the Chairman

expressed the hope that the remaining travel restrictions would also be removed as soon as possible.

2. Acceleration of immigration and customs procedures

26. At the 159th meeting, the Chairman informed the Committee that the United Nations Secretariat, with the assistance of the host country Mission, had arranged an informal meeting to hear an address by the Regional Commissioner of the United States Customs Service for the New York Region, Mr. Anthony Liberta, and an address by the Area Director of the United States Customs Service for Kennedy Airport, Mr. Thomas Mattina. Their statements on the subject of United States customs procedures were followed by a question-and-answer period. The Chairman thanked the host country Mission for making it possible to meet with the senior United States customs officials and expressed the hope that these fruitful contacts would be continued for the mutual benefit of all concerned.

27. At the 161st meeting, the representative of the Russian Federation recalled that the question of the establishment of special lines for diplomats at Kennedy Airport had already been raised by him in the Committee, as well as at a meeting with the representatives of the United States immigration and customs services. He further recalled that, at some terminals of Kennedy Airport, such special lines were designated for diplomatic personnel. In the Delta terminal, however, where Aeroflot flights from the Russian Federation arrived, there were no such lines. He reiterated the hope that such special lines would be set up at the Delta terminal as well.

28. The representative of the United States said that his Mission would look into the matter.

3. Security arrangements for the Headquarters district

29. At the 161st meeting, on 15 October 1993, the representative of the Russian Federation drew the Committee's attention to the security measures recently taken by the United Nations Secretariat concerning access to United Nations premises. While he understood the need for appropriate security arrangements for the Headquarters district, these measures should not in any way hamper the work of missions accredited to the Organization. He was surprised that some of these measures prevented unimpeded access to the United Nations garage by members of missions. In some instances, vehicles of diplomats were inspected with all kinds of equipment, and with the use of dogs. The closure of large sections of the United Nations Secretariat garage and the prohibition of parking on the premises by mission personnel created substantial difficulties for missions located far from the United Nations. He expressed the view that those measures were somewhat exaggerated. Any security arrangements for the United Nations Secretariat complex must not hamper the work of missions accredited to the United Nations.

30. The representative of Cyprus shared the concern expressed by the previous speaker. He mentioned that no prior consultations had been held with missions on these measures and expressed the view that the matter should be further examined.

31. The representative of the United Kingdom of Great Britain and Northern Ireland expressed the view that it was important not to exaggerate the inconvenience of the measures taken by the Secretariat. The United Kingdom

welcomed the taking of prompt measures to secure the United Nations Secretariat building. He understood that the United Nations Secretariat was keeping under review the measures taken and that the situation was improving. All such issues should be dealt with directly through the United Nations Secretariat.

32. The representative of the United States said that measures taken by the Secretariat, prompted by the well-known recent events in New York and around the world, did in fact have an impact on the host country. The Secretariat's decision to limit parking in the United Nations garage had inconvenienced all missions. The vehicle of the United States representative had once been ineligible to park in the garage. To alleviate the problems with parking around the Headquarters district, the United States Mission had been working with the New York City authorities. At present, one temporary area adjacent to the United Nations district had been designated for use by cars with diplomatic licence plates (between 34th Street and 41st Street, on the west side of First Avenue). The New York City Police Department had been asked to assist the United Nations with a security survey of the United Nations Headquarters complex. He was hopeful that the results of the study would allow the Secretariat to make some modifications in the control of the garage area. Since these measures had been taken by the Secretariat, he suggested that the concerns and observations of the members of the Committee be made known to the United Nations Secretariat directly.

33. The representative of Costa Rica shared the concerns expressed by the representatives of the Russian Federation and Cyprus and welcomed the observations by the representative of the host country. She recalled that the First Avenue entrance to the United Nations Secretariat complex had been limited to permanent representatives of Member States. She wondered why a distinction had been drawn between the permanent and non-permanent representatives. From her own experience, she felt that these measures were discriminatory and unfair. Her delegation hoped that progress towards a solution of the existing situation would be achieved.

C. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto

34. At the 159th meeting, the Committee resumed its consideration of problems relating to financial indebtedness. The Chairman informed the Committee that the Bureau had held a meeting on 27 January 1993, at which the host country representatives had briefed that body on the problem of financial indebtedness and measures being taken by the host country with a view to resolving the existing difficulties. Among other matters, the possibility of establishing a special fund for those purposes and the possible involvement of the Business Council for the United Nations had been discussed.

35. The Chairman of the Working Group on Indebtedness said that the problem of debt continued to grow. It was not only a financial problem, but also a humanitarian one. Taking into account the dimensions of the problem of indebtedness, it was appropriate that the Chairman of the Working Group call on all Member States and individuals to participate in collective thinking on how to solve that serious problem. Being aware of the outstanding work which had been done by the New York City Commission for the United Nations, Consular Corps and International Business, he invited the Commission to participate in the work of the Working Group. He welcomed all proposals towards that end and expressed

the view that, in particular, the possibility of establishing a special fund to address the problem should be further explored.

36. The New York City Commissioner for the United Nations, Consular Corps and International Business observed that her Commission was working to ensure that there were no "starving missions". She accepted the invitation of the representative of the Working Group on Indebtedness and promised to be as actively involved as possible.

37. The representative of the United States stated that the chronic problem of indebtedness of missions and individuals remained a very serious one for the host country, as well as for the diplomatic community. When a diplomat, a diplomatic mission or a member of the United Nations staff failed to pay just debts in New York, it reflected poorly on the entire United Nations community. For instance, landlords became reluctant to rent to diplomats and missions, and banks reluctant to extend loans. Over the last 12 months, the indebtedness problem had grown. The total amount exceeded $2.5 million. When the pattern of indebtedness became flagrant, strong action would be taken. Five diplomats from three permanent missions were requested last year to depart the United States because, after an extended warning period, the just debts on their respective missions remained unsatisfied. Two of them had departed and the remaining three were expected to leave in the immediate future. The United States had taken the move only after all diplomatic efforts to resolve the problem had been exhausted, and then only after the most careful internal consideration and subsequent consultations with the United Nations. While the host country did not believe that it was necessary or appropriate in all debt cases to take such serious steps as withdrawing privileges and immunities and requesting the departure of the individuals from the United States, it would continue to be aggressive in cases where the debt was egregious and longstanding. He also expressed the view that the United Nations had a responsibility to respect and, as appropriate, support the decisions of the Government of the host country in these circumstances. The sending State was expected to meet its responsibilities in the receiving State and the failure to do so would result in expulsion on the grounds of "abuse of residence". The host country, however, would continue to use its good offices to resolve debt problems. When missions or individuals found themselves in financial difficulty, they should hire an attorney and contact the United States Mission when it became apparent that funds were not available to meet needs. He hoped that an open-ended Working Group established to address the indebtedness problem would put forward some proposals to resolve the issue.

38. The representative of Costa Rica, referring to the information provided by the Chairman of the Working Group on its efforts to address the problem of indebtedness, and to the observations of the United States representative, said that the solution should be found through common efforts, and extended her full cooperation and support towards that end.

39. At the 160th meeting, on 26 April 1993, the Chairman of the Committee informed it that the Bureau, at its meeting held on 21 April 1993, had been further briefed by the host country representatives on the problem of financial indebtedness. The Chairman of the Working Group, in turn, observed that it could be useful to hold an open-ended meeting of the Working Group so that every delegation that wished to do so would be able to make a contribution to a search for a viable solution to this serious problem. He informed the Committee of his intention to hold consultations with the New York City Commission for the United Nations, Consular Corps and International Business and with the Business Council for the United Nations.

40. The representative of the United States informed the Committee that the total debt of missions and their personnel now stood at $4 million, a substantial increase over the $2.5 million figure reported to the Committee earlier. This was unfortunate because most members of the United Nations community not only met their financial obligations, but made a very real contribution to the communities in which they both lived and worked. It should be recognized that the primary responsibility for the inordinate amount of indebtedness rested with a relatively small number of missions, some of whose Governments were currently experiencing political and economic distress. While there might be mitigating circumstances to account for a mission's indebtedness, failure to pay just debts still reflected poorly on the entire United Nations community. The Government of the United States took its legal responsibilities as host country very seriously, and for that reason the Government of the United States had recently intervened in the United States Federal Court on behalf of the permanent mission which was appealing a judgement and eviction proceedings after falling seriously behind in payments on its office space. The Government of the host country expected all missions to take their financial obligations seriously, as well, by meeting them or by avoiding the assumption of financial obligations which could not be met. The United States also had an obligation to protect the interests of its citizens and creditors who found themselves from time to time unable to help themselves because of the actions of immune diplomatic agents. The United States Mission supported the efforts of the Chairman and the Working Group and looked forward to joining in those efforts with a view to finding an effective solution to this serious problem.

41. The observer of Switzerland said that his delegation was always interested in participating in deliberations of the Committee, since Switzerland itself was a host country of the United Nations Office at Geneva. He supported the proposal to convene an open-ended meeting of the Working Group. Switzerland had similar problems relating to indebtedness of diplomatic missions as those being faced by the United States in New York. He hoped the meeting would contribute to finding solutions to those problems.

42. At the 161st meeting, on 15 October 1993, the Chairman informed the Committee that, at its meeting held on 23 June 1993, the Bureau had been updated by the host country representatives on the situation of financial indebtedness of certain missions. The Bureau had further discussed the possibility of the establishment of and modalities for a trust fund under the auspices of the Business Council for the United Nations and the New York City Commission for the United Nations, Consular Corps and International Business.

43. The Chairman of the Working Group on Indebtedness referred to the plans to convene an open-ended meeting to discuss serious problems facing the diplomatic community and, in particular, the question of the trust fund. He said that he had taken the matter up with the representatives of the Business Council and the New York City Commission. Unfortunately, for various reasons it had not thus far been possible to hold such an open-ended meeting. He hoped that the meeting would take place as soon as possible.

44. The representative of the United States expressed the view that the Committee must exert aggressive leadership in dealing with this growing problem, which was steadily eroding the reputation of the United Nations community in New York. Since the issue was last discussed in the Committee, the total indebtedness had risen by some $1.5 million to more than $5 million. Of that figure, $4 million represented indebtedness of missions themselves: $100,000 was owed by individual mission members; and a surprising $1.2 million was owed by members of missions or Secretariat officials who had departed the United

States over the last two years, leaving their personal debts unpaid, which was astounding and clearly unacceptable. While this indebtedness rested with only some 30 of 183 Member States, some of whose Governments were currently experiencing political or economic disruptions, none the less, the failure to pay debts still reflected badly on the entire United Nations community. As the indebtedness of some missions continued to mount with no end in sight, it had become very difficult to persuade creditors not to seek relief in the civil court system. For that reason, the number of court cases brought against missions had grown, creating very negative publicity and further legal expense for the missions involved. Consistent with its responsibilities as host country under the Headquarters Agreement, it continued to intervene in United States Federal courts, and recently in appeals courts as well, on behalf of missions and individuals with diplomatic privileges and immunities to prevent evictions, attachments of bank accounts or foreclosures on personal property. However, the United States also had the clear obligation to protect the interests of its citizens and creditors, who often found themselves unable to obtain legal relief from the actions of immune diplomatic agents. He reiterated his mission's readiness to work with the Chairman of the Committee, the Legal Counsel and the Chairman of the Working Group on Indebtedness in devising possible solutions to this serious problem.

D. Transportation: use of motor vehicles, parking and related matters

45. At the 160th meeting, the representative of Mali drew the Committee's attention to the problem of a parking area adjacent to his Mission which had always been reserved for the parking of Mission vehicles. For the past two months, however, Mission vehicles were being ticketed because the parking sign had been removed. The City of New York had said that it would take almost two months to install a new sign allowing parking of Mission vehicles.

46. The observers of Zimbabwe and Sierra Leone stated that their missions were also encountering similar parking problems.

47. The representative of the United States said that, as far as the mission of Zimbabwe was concerned, it was located in a no-parking zone in midtown Manhattan. An alternative parking space outside that zone would be sought.

E. Rationalization of the work of the Committee

48. At the 161st meeting, the Chairman informed the Committee that the Bureau had discussed, on 23 June 1993, the question of rationalizing the Committee's agenda. That discussion had been prompted in part by a letter dated 25 March 1992 from the Chairman of the Committee on Conferences. The letter, inter alia, asked all subsidiary bodies to seek measures aimed at improving the overall efficiency and effectiveness of the use of conference-servicing resources. In view of the experiences of the past several meetings, which showed that some of the standing items of the agenda had not been actively debated by the Committee and that discussions on one of those items, namely, the question of establishing a commissary at United Nations Headquarters, had been suspended, the Bureau felt that the members of the Committee should be encouraged to inform the Secretary or the Chairman of the Committee, prior to any scheduled meeting, of any item they would like to raise or address at this meeting and to submit any relevant documentation or written statements in advance of such a meeting. Upon receipt of specific requests from the members

of the Committee, the Secretary, in consultation with the Chairman and members of the Bureau, would compile a draft agenda reflecting these specific requests, for approval by the Committee in the beginning of its scheduled meeting.

49. The representative of the United States observed that it was important for the Committee to search for ways to rationalize its work, as other United Nations organs did, in order to become more efficient, responsive and cost-conscious. Recalling that the Committee had set up a standard agenda in 1982, he invited other delegations to consider the existing agenda and make suggestions with regard to which items might be retained, which items might be added and which were no longer relevant to the Committee's ongoing work. It was further suggested that there be concentration, at any particular meeting, only on those issues which were of most concern at that point. One way to make the Committee more efficient and more responsive was to follow the lead of most of the other committees and ask delegations to request the formal inscription of items to be discussed 48 hours before each scheduled meeting. This would give delegations an opportunity to formulate their views on any given issue on the agenda in advance of the meeting, thereby permitting all concerned to take a more active role in the debate and its potential outcome. It would allow the delegation of the host country to research all issues in advance so that it could be much more responsive to the needs, suggestions or difficulties experienced by other missions or the Secretariat. Any last-minute issue relating to the Committee's work could be raised at any time by any delegation under the agenda item entitled "Other matters".

50. The representative of the United Kingdom agreed with the representative of the host country that informal consultations should be held in this respect. The members of the Committee were of the view that the Chairman should undertake a round of informal consultations with the members and with any other interested delegations in respect of the rationalization proposals.

F. Other matters

51. At the 160th meeting, the representative of the United States drew the Committee's attention to the fact that the United States Mission had sent to all other missions a copy of its own "Blue Book", listing the officers of missions entitled to diplomatic privileges and immunities. Personnel who had arrived after 31 March 1993 were not, however, listed in the book; likewise, anyone who had not departed before that date remained in the book until its next edition. An updated book, reflecting arrivals and departures since that date, would soon be issued, effective June 1993. The representative of the United Kingdom agreed with the representative of the host country that informal consultations should be held in this respect.

52. The representative of Iraq stated that his delegation attached great importance to the functions of the Committee on Relations with the Host Country in order to resolve the problems faced by the diplomatic missions. The Committee proved to be effective in resolving some problems by the exchange of views in an open and constructive fashion. The host country should fulfil its obligations under international law and the terms of the Headquarters Agreement. He recalled the difficulties encountered by the Mission of Iraq which had been brought to the attention of the Committee on several occasions, the most important of which was the freezing of the Iraqi assets under internal United States laws, including the funds of the Mission, especially bank accounts which were used by the Mission in order to meet its expenses, such as payroll and the rent for the apartments and other services required by the Mission. The

properties of permanent missions to the United Nations were immune from jurisdiction of the United States under the Headquarters Agreement and under the general norms of international law. Therefore, the executive orders issued by the host country authorities should not take precedence over the Headquarters Agreement and international law. He also recalled that the host country had taken positive action by lifting restrictions on the travel of members of some missions and expressed the hope that the same treatment would be applied to other mission personnel, especially the personnel of the Mission of Iraq. He further hoped that the Committee would be able to assist his Mission in resolving the problems it was facing and make effective recommendations to the host country.

53. The representative of the United States clarified that the funds of the Mission of Iraq had not been frozen. However, the rent securities and other funds of Iraq came under the sanctions imposed by the Security Council and were a matter of jurisdiction of the Sanctions Committee of the Security Council. Therefore, questions regarding those funds did not fall within the purview of the Committee on Relations with the Host Country.

54. At the 161st meeting, on 15 October 1993, the representative of Iraq reminded the Committee that problems faced by his Mission, in particular those of frozen assets and travel restrictions, continued. He expressed the hope that constructive solutions would be found to those problems.

55. The Vice-Chairman, Mr. Strauss (Canada), informed the Committee that, at a Bureau meeting held on 31 August 1993, Ambassador Andreas Jacovides had announced that he had been posted to Washington, D.C., effective 8 September 1993, and would thus no longer be in a position to serve as Chairman of the Committee on Relations with the Host Country. Ambassador Jacovides had further informed the Bureau that the new Permanent Representative of Cyprus, Ambassador Alecos Shambos, would succeed him in New York and recalling the tradition of the Committee to have a Cypriot Chairman, he had asked the Committee to consider his successor for this post, subject to the concurrence of all the members of the Committee.

56. On 7 September 1993, Ambassador Jacovides informed the Secretary of the Committee that he had contacted the members of the Committee on this issue and that they had generally expressed their concurrence with the proposed approach. The Bureau, at its meeting on 22 September 1993, unanimously decided to recommend to the Committee as a whole that the current Permanent Representative of Cyprus, Ambassador Alecos Shambos, be elected as the new Chairman of the Committee.

57. At the 161st meeting, on 15 October 1993, the Committee elected by consensus Mr. A. Shambos as its new Chairman.

IV. RECOMMENDATIONS AND CONCLUSIONS

58. At its 162nd meeting, on 9 November 1993, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country for this purpose and is assured that all problems raised at its meetings will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee expresses the hope that remaining travel restrictions will be removed by the host country as soon as possible. In that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(e) The Committee stresses the importance and urgency of the efforts of its Working Group concerning problems of financial indebtedness and welcomes the cooperation of all interested parties in the search for solutions thereto. It reminds all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet their financial obligations, and takes note of the concerns of the host country regarding this fast-growing problem. With a view to resolving the issues relating thereto, the Committee strongly supports the continuation of the Working Group's efforts to find a solution to the problem;

(f) The Committee recognizes and supports the efforts of its Chairman, Member States and the Secretariat to explore ways to rationalize the work of the Committee and its agenda, permitting it to remain efficient and responsive, and in keeping with the overall spirit of its mandate;

(g) The Committee wishes to reiterate its appreciation to the Host Country Section of the United States Mission to the United Nations, the New York City Commission for the United Nations, Consular Corps and International Business and those bodies, particularly the New York City Police Department, which contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community, to provide hospitality and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex

LIST OF DOCUMENTS

A/AC.154/272	Letter dated 13 January 1993 from the Deputy Permanent Representative of the People's Republic of China to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country.
A/AC.154/273	Letter dated 29 January 1993 from the Deputy Representative of the United States in the United Nations Security Council addressed to the Chairman of the Committee on Relations with the Host Country.

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